

PATENT COOPERATION TREATY

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From the
INTERNATIONAL SEARCHING AUTHORITY

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
MATTHEW R. KASER
BELL & ASSOCIATES
416 FUNSTON AVENUE, SUITE 100
SAN FRANCISCO, CA 94118Date of mailing
(day/month/year)

18 NOV 2005

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

TSRI 1019.1 PCT

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/40381

03 December 2004 (03.12.2004)

03 December 2003 (03.12.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): A61K 38/04, 39/00, 39/395, 38/00; C07K 16/28 and US Cl.: 530/327, 328, 329, 388.22; 424/184.1, 143.1; 514/2

Applicant

THE SCRIPPS RESEARCH INSTITUTE

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Date of completion of this opinion

15 September 2005 (15.09.2005)

Authorized officer

Maher M. Haddad

Telephone No. (571) 272-1600

Form PCT/ISA/237 (cover sheet) (April 2005)

Petition for Waiver of Exam Fee
ITEM B

USSN 10/581,431

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/40381

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☒ table(s) related to the sequence listing

b. format of material

- ☒ on paper
☐ in electronic form

c. time of filing/furnishing

- ☒ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Sequence search was done based on manual data entree

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/40381

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-32 YES

Claims NONE NO

Inventive step (IS)

Claims 1-32 YES

Claims NONE NO

Industrial applicability (IA)

Claims 1-32 YES

Claims NONE NO

2. Citations and explanations:

Claims 1-32 meet the requirements of PCT Articles 33(2) and (3) because the peptides and antibodies, polynucleotides, vectors, host cells, methods of producing and methods of use are neither taught nor suggested in the prior art.

Claims 1-32 have industrial applicability under PCT Article 33(4) because peptides and antibodies, polynucleotides, vectors, host cells, methods of producing and methods of use claimed therein can be made or used in health care industry.